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Human rights situations that require the Council's attention

Joint written statement* submitted by International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status; International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Lawyers Union, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, Union of Arab Jurists, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status; Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Death Penalty in Iraq

Since the US invasion and occupation of 2003, the number of people executed in Iraq is constantly rising, which is a highly alarming issue that challenges international human rights standards and fundamental principles of international law. Despite persistent international outcries the Iraqi government has on numerous occasions declared it would not halt executions, disregarding the numerous calls concerning the use of the death penalty.

The exact number of executions in Iraq after the invasion in 2003 until the end of 2013 is unknown, as the execution of 'secret prisoners' is a common practice. It is however well documented that the official number of executions is rapidly and continuously increasing. This increase in executions demonstrates the Iraqi government's disrespect for international law and fundamental human rights.

Furthermore, the Iraqi authorities never provide exact information about the identities of those executed, the charges against them, or the evidence presented against them at trial.

Pretext of Fighting Terrorism

The majority of these executions have been carried out under the pretext of fighting terrorism and with the legal grounding in para.1, Art.4 of Anti-Terrorism Law No.13 of 2005.
It does not only legalise capital punishment for those who commit terrorist acts, but also for those who are accused by the government to finance, provoke, plan, or enable such acts. Under this Iraqi law, a person can be sentenced to death on 48 charges. The definition of perpetrators is as following:

- anyone who commits, as a main perpetrator or a participant, a terrorist act, along with anyone who incites, plans, finances or assists terrorists to commit such a crime

anyone who intentionally covers up any terrorist act or harbours a terrorist with the purpose of concealment

The same law offers amnesty and anonymity to secret informers who report alleged terrorist activities. As a result of false reports many have been wrongly arrested and executed. Authorities are using this notorious law to arrest, detain and sentence hundreds of individuals, claiming that those sentenced to death and executed are terrorists and threaten national security.

While the Iraqi constitution in Article 73 para 8[1] makes clear that all death sentences shall be signed by the president himself, Iraqi officials have frequently made the case that strictly speaking no presidential decree is needed to implement a death sentence. In the vast majority of the cases, deputies of the president sign presidential decrees.

Executions in 2013

Iraq is placed among the top three Executioner-states of the world.[2]

2013 was the year of a record execution rate in Iraq, with 170 people hanged on charges of terrorist activities. This was the highest number since the US invasion. In comparison to the 129 executions in 2012, it reveals the Iraqi government's determination to ignore all international outcry for a moratorium.

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1 English version of the Iraqi consitution available at http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf

2 Al Arabiya (2013) http://english.alarabiya.net/en/perspective/analysis/2013/12/31/Increase-in-Iraq-executions-draws-international-ire.html

Between 14 and 17 of March, 2013, the government authorities executed a total of 52 "political prisoners" accused of terrorist activities.

The government continued its practice of executions further on 19 August 2013 with a total of 17 Iraqi prisoners (including 2 women) hanged in only one day.

Between 8 and 9 October 2013, patches of in total 42 individuals were executed within a period of only two days.

On 7 November 2013, additional 7 people were executed, followed by 12 and another 11 respectively on 17 and 24 of November.

By the end of 2013, a total of 170 people were executed and the unofficial numbers of "secret executions" is suspected to be much higher.

Secret Executions

It is strongly believed by contacts on the ground, lawyers and several NGOs that a high number of secret executions in Iraq are committed on a daily basis.[3] In numerous cases, security forces arrest and detain individuals without giving their families any information after the arrests on the detainees' whereabouts or physical condition. In their responses to the families, they pretend the specific individual has never been arrested. This leaves the detained highly vulnerable to any abuse by the security forces and denies him any right for justice or accountability. In numerous cases these 'secret prisoners' are executed and their bodies found days later with signs of torture in many cases and obvious traces of the execution.

This practice of 'secret execution' raises the number of actual capital punishment to almost a double and demonstrates the abuse of capital punishment and flawed justice system.

"Martyr's Revenge" or "Thar Al Shuhada"

Beginning of August 2013, an official security campaign was launched, under the name of "Thar Al Shuhada" translated as "Martyr's Revenge", which targeted human rights defenders and protesters on a highly discriminatory sectarian basis in certain areas and cities. All those arrested in this campaign were immediately accused and treated as "terrorists". The direct implications of this campaign are arbitrary arrests and sentences of severe punishment for civilians and innocent persons allegedly suspected of terrorism. It violates Articles 9, 10 and 11 of the Universal Declaration of Human Rights, which ensure the importance of freedom from arbitrary arrests, the right to fair trial and innocence until proven guilty. Additionally, the introduction of this campaign has rapidly increased the rate of executions on 'terrorist charges'.

Executions in 2014

To prove the government's power and disrespect for international pressure and all demands to halt this inhumane practice, the Iraqi authorities carried out further 26 official death sentences on 19 January 2014. NGOs have reported on an additional 12 secret executions.[4] On 23 January, 11 alleged terrorists were further executed. In total this increases the total, as of 24 January 2014, to a horrifying number of 49 people.

The Response of the International Community

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[3] See Amnesty report on secret executions of January 2014. http://www.amnesty.org/en/for-media/press-releases/..aq-another-spike-executions-38-hanged-last-four-days-2014-01-22

[4] Amnesty International (2014). http://www.amnesty.org/en/for-media/press-releases/iraq-another-spike-executions-38-hanged-last-four-days-2014-01-22

In mid-March 2013, after the execution of 21 individuals and the announcement of further 150 sentenced to death, United Nations High Commissioner for Human Rights, Navi Pillay, likened Iraq's justice system to "processing animals in a slaughterhouse" and stated that "executing people in batches like this is obscene."

"The criminal justice system in Iraq is still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards. The application of the death penalty in these circumstances is unconscionable, as any miscarriage of justice as a result of capital punishment cannot be undone."[5]

This was not the first comment of High Commissioner of Human Rights Navy Pillay on the high execution rate of Iraq. On 24 January 2012, she stated that she was shocked and called on the country to institute an immediate moratorium on the use of the death penalty;

"Given the lack of transparency in court proceedings, major concerns about due process and fairness of trials, and the very wide range of offences for which the death penalty can be imposed in Iraq, it is a truly shocking figure."[6]

She furthermore pointed to UN General Assembly Resolution 62/149, adopted in 2007, and subsequent resolutions, which call on UN Member States to establish a moratorium on the use of the death penalty with a view to future abolition and urged the Government of Iraq to halt all executions and to review the cases of those individuals currently on death row.[7]

These executions were carried out despite the United Nations Assistance Mission to Iraq (UNAMI) report in June 2013 demanding to amend the Anti-Terrorism Law No.13, to put a moratorium on the use of death penalty in accordance with the UN General Assembly resolutions 62/149(2007),63/168(2008),65/206 (2010) and 67/176(2012), to review the criminal code and the criminal procedure code with a view to abolishing the death penalty and to consider acceding to the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty.[8]

Furthermore, during Iraq's Universal Periodic Review in February 2010, the majority of the participating countries called on the government to halt all executions and ensure fair trial standards and the abolition of torture.[9]

The government has also been recently harshly criticised by a member of the European Parliament for its mass executions, its lack of a formal judicial process, the random accusations of individuals as terrorists and the sectarian basis of its policies and actions.

Struan Stevenson, a Scottish Conservative member of the European Parliament and Chair of the important Delegation for Relations with Iraq compared the patches of mass executions to the Crime of Genocide through its large scale and sectarian character targeting certain religious groups.[10] He stated that the Iraqi government is engaged in a genocidal military campaign against religious parts of the Iraqi population whom the Prime Minister has branded as terrorists.[11] He additionally compared it to "capital punishment on an industrial scale" which can be judged as a "conveyor belt of death" to discriminate parts of its population into submission, according to Mr. Stevenson.[12]

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5 High Commissioner for Human Rights Navi Pilllay, OHCHR (2013). http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13253&LangID=E

6 OHCHR (2012). http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11774&LangID=E

7 Ibid

8 http://www.uniraq.org/images/humanrights/HRO_Human%20Rights%20Report%20January%20-%20June%202013_FINAL_ENG_15Dec2013%20(2).pdf

9 GICJ (2012). http://www.gicj.org/index.php?option=com_content&task=view&id=154&Itemid=41

10 Brussels Tribunal (2014). http://www.brussellstribunal.org/article_view.asp?id=1317#.UuJLExBKGUk

11 Struan Stevenson (2014). Available at http://www.ncr-iran.org/en/news/iran-world/15836-iraqi-executions-like-sheep-being-slaughtered-in-an-abattoir

12 Ibid

No End in Sight

Almost all executed were sentenced to death under Article 4 of Anti-Terrorism Law No.13 and all convictions were allegedly approved by the President.

NGOs found that on the same day of the latest executions in January 2014, the President's office ratified around 200 further cases of people sentenced to death, paving the way for their executions to be carried out in near future.[13]

Furthermore, Minister of Justice revealed plans to amend the Iraqi Criminal Proceedings Nr.23 of 1971, which ensure basic human rights to the accused. According to the Minister, a draft to this end is currently under review by the Iraqi Council of Ministers. It needs however to be seen as a travesty of justice to amend legislation protecting Iraqis' human rights. Such practices increase concerns regarding the 'just' application of capital punishment in Iraq.

The fight against terrorism must remain within the framework of international law and human rights standards. The Security Council Resolution 1456 (2003) reaffirms that "states must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights and humanitarian law."

The real issue at hand is the lack of due process and fair trial standards and the highly discriminatory and sectarian basis these executions are based on. Confessions are retrieved under torture and then used to pass death sentences. It is common practice for detainees to be held without a warrant, without knowing their charges, without access to legal defence or contact to family members. This violates all basic international standards for a fair, non-discriminatory and just trial.

The repeated international calls have been constantly ignored. All developments prove the determination not to listen to such calls or adhere to any international legal standard.

Recommendations by the NGOs Signatories to this Statement:

- That Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on torture and Special Rapporteur on the independence of judges and lawyers focus on this matter in their reports to the Human Rights Council
- The UNHCHR to submit a detailed report to the Human Rights Council on human rights violations in Iraq documented by UNAMI and other civil society members
- To set up an independent international commission and dispatch to fully investigate all of the human rights violation committed since 2003
- To appoint a UN Special Rapporteur for Iraq
- To investigate the adherence to international legal standards of the Anti-Terrorism No.13 of 2005
- To highlight the discriminatory and sectarian character of the government policies

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BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in

[13] Amnesty International (2014). http://www.amnesty.org/en/for-media/press-releases/iraq-another-spike-executions-38-hanged-last-four-days-2014-01-22

the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement. NGO(s) without consultative status, also share the views expressed in this statement.